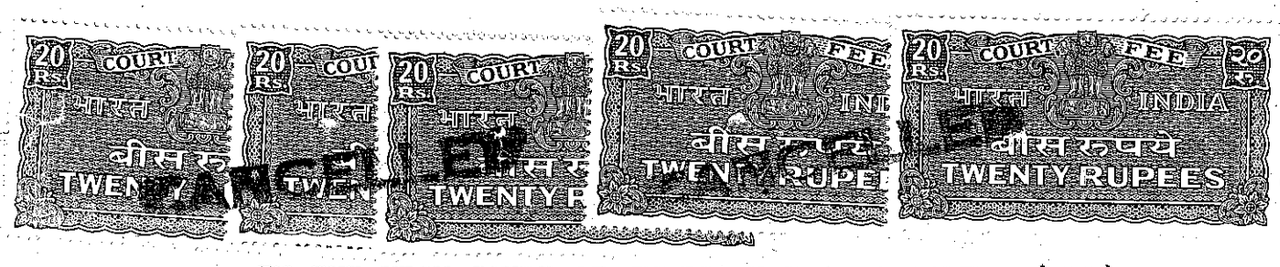

IN THE HIGH COURT OF JUDICATURE AT JABALPUR (M.P)

W.P.NO. 5590 of 2000

Petitioner : S.N.Sahu
S/o.Late Bharat Sahu,
aged 60 years
R/o.House No.279/4/6
Pragati Nagar West
Street-15-B
Risali, Bhilai
Dist:Durg (M.P)

Versus

Respondents :

1. Hindustan Steelworks Construction Limited
(A Government of India Undertaking)
1, Shakespeare Sarani, 8th Floor
Calcutta - 700 071

2. The Chairman-cum-Managing Director
Hindustan Steelworks Constn.Ltd.
1, Shakespeare Sarani
8th Floor
Calcutta - 700 071

3. The General Manager
Hindustan Steelworks Constn.Ltd.
Bhilai Unit
PO: Bhilai, Dist:Durg (M.P)

WRIT PETITION UNDER ARTICLES 226/227 OF THE CONSTITUTION OF INDIA

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक ..W.P.NO.5570/2000 **सन्** 200

..... **विरुद्ध** .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	2-5-2005 Mr. C.R. Sahu, Advocate, appears on behalf of Mr. D. Sasidharan, counsel for the petitioner. Mr. R.S. Baghel, Advocate appears on behalf of Mr. P.S. Koshy, counsel for respondents No.1 to 3. Heard both the counsel. The petitioner has filed this writ petition being aggrieved by the action of respondents No.1 to 3, whereby the respondent have not paid retiral benefits of the petitioner in terms of the 5th Pay Commission. The case of the petitioner is that he retired on 31st December, 1997, from the post of Senior Manager (Mechanical), on attaining the age of superannuation. The 5th Pay Commission recommended for increase of pay and pension of the Central Government employees with effect from 1-1-1996. The respondents also in compliance of the directions issued by the Central Government, Ministry of Steel & Mines for implementation of the 5th Pay Commission, issued circulars revising the pay scale of its employees with effect from 1-1-1996 vide order dated 20th January, 1998, and a circular was further issued on 12th February, 1998, for fixation of pay. But, the respondents are not paying the petitioner, the pension and retiral benefits as per the 5th Pay Commission, and also not paying gratuity according to the 5th Pay Commission.	

(91)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक W.P.5570/ **सन्** 200O

..... **विरुद्ध** .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित —2—	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

In the reply filed by respondents No.1 to 3 it has been mentioned that the respondents have never denied benefits to its employees but because of paucity of funds the benefits of salaries and wages cannot be given in full extent. That is why 5th Pay Commission benefits were extended to its employees from January, 1998, even facing acute financial and economical crisis, the respondents are extending the benefit of 5th Pay Commission.

In this connection, it may pointed out that as the respondent Company is running in loss that is why the Central Government came forward for financial assistance to the respondent Company and in the first instance Rs.79.99 crores non-plan loan was sanctioned by the Central Government in the year 1999-2000 to meet the liabilities of statutory dues granted in the year 1999 as part of comprehensive revival package, thereafter, a non-plan loan of Rs.89.44 crores granted in the year 2001-2002 to meet the liability of statutory dues to the separated employees and similarly, a non-plan loan of Rs.61.11 crores granted in the year 2002-2003 for payment of dues to the employees of the respondent HSCL. Therefore, the Central Government has already granted so much financial assistance to the respondent Company in order to make the payment of separated employees as comprehensive revival package. Hence, respondents No.2 & 3 should not ignore the claim of those employees who after attaining the retirement age demitted their

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक W.P.5570/ **सन्** **2000**

..... **विरुद्ध** .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित -3-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

Office. As the petitioner retired in the year 1997, even after the lapse of seven years, he has not been paid the retiral benefits as per the 5th Pay Commission.

As the petitioner had retired on 31-12-1997 and he is waiting for his retiral benefits since last more than seven years, and the respondents have already received assistance from the Central Government, therefore, in the circumstances, the writ petition is allowed, and the respondents are directed to sanction all the retiral benefits as admissible to the petitioner as per the 5th Pay Commission. No order as to costs.

Parties are entitled for certified copy of this order.

Sd/-
L.C.BHADOO
Judge

Soma

(पीछे देखिये)

9.5.05 13.5.05 6/6/07